

5050
5050



PCT

#3

PATENT
20-4594P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Masayuki YAMANA et al. 520 Rec'd PCT/PTO 29 OCT 1999
APPL. NO.: 09/355,673 GROUP: Unassigned
FILED: July 30, 1999 EXAMINER: Unassigned
FOR: NOVEL COMPOSITION AND TREATMENT AGENT

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION)

Assistant Commissioner for Patents
Washington, DC 20231

October 29, 1999

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicants hereby submit an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. Copies (check at least one box)

a. Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b. Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. **DOCUMENTS IN THE ENGLISH LANGUAGE**

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b. X **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

English Abstracts of JP 15695, JP 214197, JP 157870, JP 272988 and JP 87457 are attached, the publications which are referenced in the International Search Report submitted with the original application.

JP 214791 corresponds to USP 5,068,295 attached herewith; JP 118596 corresponds to EP 0676458A attached herewith, the Japanese publications of which are referenced in the International Search Report submitted with the original application.

An English Abstract of JP 67511 is attached and is referenced on page 1 of the specification. An English Abstract of JP 71977 is attached and is referenced on page 1 of the specification.

JP 6163 corresponds to GBA 1583451 which is attached herewith and is referenced on page 26 of the specification.

An English Abstract of JP 33797 is attached and is referenced on page 26 of the specification.

JP 4542 corresponds to USP 4,920190 and USP 5,144056, attached herewith.

An English Abstract of JP 224275 is attached.

JP 509034 corresponds to WO 94/24179 which is attached herewith.

c.

ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action which indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A) (3).

d.

OTHER

The following additional information is provided for the Examiner's consideration.

FEES

IV. X THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

a. X

within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.

b.

within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

c.

before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. — No statement; therefore, a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).
or
- b. — See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. — each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. — no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. — Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.



Appl. No.: 09/355,673

VII. PAYMENT OF FEES (check one box)

A check in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.

Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.

No fee is required.

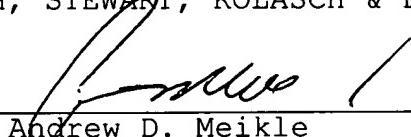
If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 CFR §1.16 or under §1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Andrew D. Meikle
Reg. No. 32,868
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

ADM/bsh

Enclosures:

- PTO-1449
- Documents
- Foreign Search Report
- Fee
- Other:

(Rev. 4/20/99)
J:\ids3tofr.doc